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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,822	01/26/2004	Cheryl Vause	999450-0379	6912
23524	7590	10/20/2005		
FOLEY & LARDNER 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER NELSON JR, MILTON	
			ART UNIT 3636	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,822

Applicant(s)

VAUSE ET AL.

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ---
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information referred to in the information disclosure statement filed January 26, 2004 has been considered.

Drawings

The drawings are objected to because Figures 2, 4 and 6 have been provided with solid black shading. Such is not permitted. See 37 CFR 1.84(m). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for securing the plurality of pockets to a seating apparatus comprises an adhesive securing the plurality of pockets to an inflatable chair (claim 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the means for securing the plurality of pockets to a seating apparatus comprises an adhesive securing the plurality of pockets to an inflatable chair is realized when the system appears to be a cover that is attached to a chair wherein pockets are then attached to the cover.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, "the seating apparatus cover having the plurality of pockets" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

Art Unit: 3636

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 4, 5, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Patton (6857649). Note the plurality of discipline condition indicators (36), storage location/cover (26), stop flag (one of 36), think flag (another of 36), go flag (a third one of 36), ties (29), chair (10), pockets (33).

Claims 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Patton (6857649). Note the cover (26), pockets (33 and/or 32), flags (36) and ties (29).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Oettinger et al (4306869). Note the plurality of discipline condition indicators (24, 25, 26), storage location (14), stop flag (indicator), think flag (yellow indicator), and go flag (green indicator).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of Oettinger et al (4306869). The primary reference shows all claimed features of the instant invention with the exception of the flags being red, yellow and green. Note the discussion of the primary reference above.

Oettinger et al teaches configuring a learning aid with flags that are red, yellow and green. Note the discussion of Oettinger et al above.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the flags as red, yellow and green. This provides a structure that is simulative of a traffic signal (i.e. stop, caution or think, and go).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of Wilson (D257473). The primary reference shows all claimed features of the instant invention with the exception of the seating unit being a stool. Note the discussion of the primary reference above.

The secondary reference teaches configuring a seating unit as a stool.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the seating unit as a stool. Such provides the advantages of the primary reference in an environment that utilizes a stool.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of Hahn (2350679). The primary reference shows all claimed features of the instant invention with the exception of the storage location being located on an inflatable chair. Note the discussion of the primary reference above.

The secondary reference teaches configuring a seating unit as an inflatable chair.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the seating unit as an inflatable chair. This provides the storage location as located on the inflatable chair. Such provides the advantages of the primary reference in an environment that utilizes an inflatable chair.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of McDonald et al (5683137). The primary reference shows all claimed features of the instant invention with the exception of the electronic apparatus coupled to the storage location, the electronic apparatus having sounds programmed therein that facilitate a disciplinary process. Note the discussion of the primary reference above.

The secondary reference teaches configuring an electronic apparatus (34) as coupled to a storage location (12), the electronic apparatus having sounds programmed therein that facilitate a disciplinary process.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding an electronic apparatus as coupled to the storage location wherein the electronic apparatus has sounds programmed therein that facilitate a disciplinary process. Such provides audible signals to the user of the device in order to enhance the teaching process.

Claims 11, 12, as best understood with the above cited indefiniteness, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of Oettinger et al (4306869). The primary reference shows all claimed features of the instant invention with the exception of the flags being red, yellow and green (claim 11); and a pocket providing a storage location for help cards having discipline

suggestions (claim 14). Note the plurality of discipline condition indicators (36), storage location/cover (26), stop flag (one of 36), think flag (another of 36), go flag (a third one of 36), ties (29), chair (10), pockets (33 and or 32).

Oettinger et al teaches configuring a learning aid with flags that are red, yellow and green. Oettenger et al also shows a pocket (14) which is used to store help cards (the flags which provide discipline suggestions, e.g. stop, go, etc.). Note the discussion of Oettinger et al above.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the flags as red, yellow and green. This provides a structure that is simulative of a traffic signal (i.e. stop, caution or think, and go). Regarding claim 14, it would have been further obvious to one having ordinary skill in the pertinent art to add the pocket (14) providing a storage location for the help card having discipline suggestions. Such provides a means for selectively storing items while also providing additional members for enhancing learning.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of Oettinger et al (4306869), as applied to claim 11 above, and further in view of Leal et al (5482352). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of a pocket providing a storage location for a music compact disc having music that facilitates disciplinary activity.

Leal et al teaches configuring a seating unit with a cover including a pocket (80) providing a storage location for a music compact disc (inside the compact disc player) having music that facilitates disciplinary activity (note that any music is capable of corresponding to a disciplinary activity).

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of Leal et al by adding the pocket providing a storage location for a music compact disc having music that facilitates disciplinary activity. Such provides a device for providing audible activity to a user and a means for selectively storing the audible device.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of Oettinger et al (4306869). The primary reference shows all claimed features of the instant invention with the exception of the flags being red, yellow and green. Note the discussion of the primary reference above. Also note that the flags can be removed one at a time during a disciplinary session.

Oettinger et al teaches configuring a learning aid with flags that are red, yellow and green. Note the discussion of Oettinger et al above.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the flags as red, yellow and green. This provides a structure that is simulative of a traffic signal.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (6857649) in view of McDonald et al (5683137). The primary reference shows all claimed features of the instant invention with the exception of the electronic apparatus containing sounds that can be used in a disciplinary session. Note the discussion of the primary reference above.

The secondary reference teaches configuring an electronic apparatus (34) as coupled to a storage location (12), the electronic apparatus containing sounds that can be used in a disciplinary session.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding an electronic apparatus as coupled to the storage location wherein the electronic apparatus contains sounds that can be used in a disciplinary session. Such provides audible signals to the user of the device in order to enhance the teaching process.

Conclusion

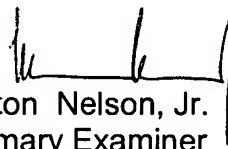
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brooks (6589058) shows a child's learning chair.

Claim 16 has not been rejected under the prior art, however note the rejection under 35 USC 112, first paragraph.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Monday-Wednesday, and alternate Fridays 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
October 17, 2005